

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 22/99

Friday, this the 5th day of February, 1999.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

R. Gopalasamy,
S/o. Ranganayaki,
Ex-Senior Gangman,
Office of the Section Engineer (PW),
Southern Railway,
Tirupur, residing at:
Mullainayakanur,
Papanpalayam Post,
(Via) Uthukuli,
Erode.

...Applicant

By Advocate Mr. T.C. Govindaswamy

Vs.

1. Union of India represented by
the General Manager,
Southern Railway,
Headquarters Office,
Park Town P.O.,
Madras - 3.
2. The Senior Divisional Engineer,
Southern Railway,
Palghat Division,
Palghat.
3. The Divisional Personnel Officer,
Southern Railway,
Palghat Division,
Palghat.
4. The Divisional Railway Manager,
Southern Railway,
Palghat Division,
Palghat.

...Respondents

By Advocate Mr. K.V. Sachidanandan

The application having been heard on 5.2.99, the
Tribunal on the same day delivered the following:

ORDER

The applicant seeks to declare that his termination from
service as per A-5 and A-6 is arbitrary, discriminatory and
unconstitutional, to quash A-5 and A-6 and to direct the
respondents to reinstate the applicant forthwith duly providing
an alternative appointment as provided under the law with

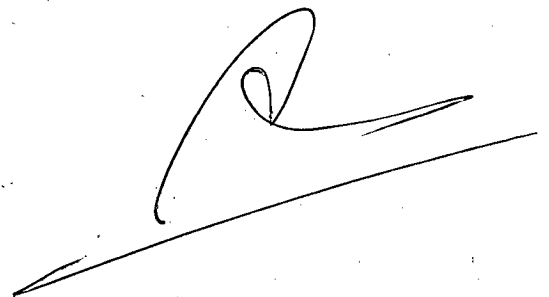
arrears of wages and other allowances.

2. One of the grounds stated in the O.A. to quash A-5 and A-6 orders is that these are issued in violation of the principles of natural justice since no opportunity of being heard was afforded to the applicant before passing A-5 and A-6 orders. A-5, one of the impugned orders is dated 30.4.98 and A-6, the other impugned order, though dated 18.6.98 says that the service of the applicant stands terminated with effect from 11.5.98. In the said circumstance, it can only be said that there was no proper show cause notice issued to the applicant before termination of service which amounts to violation of the principles of natural justice. That being the situation, A-5 and A-6 are liable to be quashed on this ground alone.

3. Accordingly, A-5 and A-6 orders are quashed. It is made clear that quashing of A-5 and A-6 will not stand in the way of the Department in taking appropriate action against the applicant in accordance with law.

4. O.A. is disposed of as above. No costs.

Dated the 5th day of February, 1999.



A.M. SIVADAS
JUDICIAL MEMBER

LIST OF ANNEXURES

1. Annexure A5: True copy of the letter No.J/P 301/IX/
Gang staff dated 30.4.98 issued by the second respondent.
2. Annexure A6: True copy of the Memorandum No.J/P 301/IX
Gang staff dated 18.6.98 issued by the third respondent.

.....